

Application No. 10/799,471
Amendment dated August 24, 2005
Reply to Office Action of May 24, 2005

REMARKS/ARGUMENTS

Applicant has carefully reviewed and considered the Office Action mailed on May 24, 2005, and the references cited therewith.

Claims 1, 8-9, 13, 33, and 39 are amended, claims 2, 10, and 34 are canceled, no claims are added, and claims 14-32 were previously withdrawn; as a result, claims 1, 3-9, 11-13, 33, and 35-39 are now pending in this application.

Claim Objections

Claims 8, 13, and 39 are objected to because of the following informalities: "are" in line 3 of each should be "is".

Appropriate correction has been made.

§102 Rejection of the Claims

Claims 9, 12 and 13 were rejected under 35 USC §102(e) as being anticipated by Kawasaki et al. (U.S. Patent No. 6,727,522).

Applicant does not admit that the Kawasaki reference is indeed prior art and reserves the right to swear behind the same at a later date. Applicant also does not admit that independent claim 9 is not allowable as previously presented, however, in the interest of furthering prosecution of the present application, Applicant has amended claim 9 as follows.

Applicant's independent claim 9, as amended, recites "means for a channel having a single-phase crystalline state of $Zn_{1-x}In_{2x}O_{3+3y}$, wherein x and y are each independently in the range of about 1 to about 15, to electrically couple the drain electrode and the source electrode." The underlined language was taken from canceled dependent claim 10, which the Examiner has indicated includes allowable subject matter.

As such, Applicant submits that independent claim 9 is condition for allowance. Accordingly, Applicant respectfully requests reconsideration and withdrawal of 102 rejection of independent claim 9, as well as those claims that depend therefrom.

§103 Rejection of the Claims

Claims 1, 5, 7-8, 33, 37 and 39 were rejected under 35 USC §103(a) as being unpatentable over Kawasaki et al. (U.S. Patent No. 6,727,522), and further in view of Ono et al. (U.S. 2002/0101557).

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Applicant does not admit that independent claims 1 and 33 are not allowable as previously presented, however, in the interest of furthering prosecution of the present application, Applicant has amended claims 1 and 33 as follows.

Applicant's independent claims 1 and 33, as amended, recite:

a channel . . . having a single-phase crystalline state of $\text{Zn}_{1-x}\text{In}_x\text{O}_{2-3y}$, wherein x and y are each independently in the range of about 1 to about 15;

The underlined language was taken from canceled dependent claims 2 and 34, respectively, which the Examiner has indicated contain allowable subject matter.

As such, Applicant submits that independent claims 1 and 33 are in condition for allowance. Accordingly, Applicant respectfully requests reconsideration and withdrawal of 103 rejection of claims 1 and 33, as well as those claims that depend therefrom.

Claims 6 and 38 were rejected under 35 USC §103(a) as being unpatentable over Kawasaki et al. (U.S. Patent No. 6,727,522), and Ono et al. (U.S. 2002/0101557), and further in view of Song (US 2004/0056987).

For the reasons provided above, Applicant submits that independent claims 1 and 33, as amended, from which claims 6 and 38 depend, are in condition for allowance. From Applicant's review, the Song reference does not cure the deficiencies of the Kawasaki and Ono references as applied to amended independent claims 1 and 33. Accordingly, Applicant respectfully requests reconsideration and withdrawal of 103 rejection of dependent claims 6 and 38.

Allowable Subject Matter

Claims 2-4, 10-11 and 34-36 were objected to as being dependent upon rejected base claims, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 2, 10, and 34 have been canceled. Allowable subject matter of each of these dependent claims has been included in independent claims 1, 9, and 33. Applicant respectfully submits that independent claims 1, 9, and 33 are in

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condition for allowance; hence, dependent claims 3-4, 11, and 35-36 also are allowable.

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CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney Donald J. Coulman at (541) 715-1694 to facilitate prosecution of this matter.

At any time during the pendency of this application, please charge any additional fees or credit overpayment to the Deposit Account No. 08-2025.

CERTIFICATE: I hereby certify that this paper is being transmitted to the United States Patent and Trademark Office facsimile number (571) 273-8300 on this 24th day of August, 2005.

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Respectfully Submitted,
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